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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,888	01/17/2001	Tomoki Nishimura	1075.1138/JDH	4968

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EXAMINER
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THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/760,888

Applicant(s)

NISHIMURA, TOMOKI

ST

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's "Amendment" filed on June 24, 2004 has been considered with the following effect.

Applicant's response by virtue of amendment to claims 1-20 has overcome the Examiner's rejection of such claims under 35 U.S.C. § 112 second paragraph.

Claims 1-4 and 6-19 are amended. New claim 21 is added. Claims 1-21 remain pending in this application.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-21 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,167,383 to Henson in view of U.S. Patent No. 6,052,669 to Smith et al.**

Regarding claims 1 and 6, Henson discloses a method and system comprising:

- a manufacturer server pre-storing interior specifications of respective product parts to be selected by the customer (see at least col. 4, lines 36-52; col. 5, lines 29-54; col. 6, lines 5-43; col. 7, lines 39-56; Figures 3-6)

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- at the customer terminal displaying a first menu containing specification showing the respective candidates custom-made products; selecting a candidate of the specification from the first menu on the display section, the selecting being performed by the customer; and displaying a second menu containing interior specifications of specific interior parts of different categories of interior parts, where the specific interior parts of the different categories corresponding specifically to the selected candidate customer-made product of the specifications, where the interior specifications are displayed for selection by the customer, upon receipt from the manufacturer server (see at least col. 4, lines 53-66; col. 5, line 66 – col. 6, line 6; col. 6, lines 18-43; Figures 3-6).

However, Henson does not disclose the appearance specifications corresponding to respective different exterior product parts, each appearance specification of a given exterior product part includes an appearance specification image. Henson discloses a customer with the ability to go to the product information for the particular product, customize the product, price-customized product, purchased the product and other actions (col. 4, lines 43-47). Furthermore, Henson discloses the view module which includes an all option configurator view (col. 9, lines 8-12). Smith, on the other hand, teaches the appearance specifications (see at least col. 9, lines 12-28; col. 9, lines 44-47; col. 9, lines 58-64; col. 10, lines 19-35; Figures 5-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and system of Henson, to include

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the appearance specification, as taught by Smith, in order for a customer to obtain a realistic display of the configuration (Smith col. 4, lines 18-20).

Regarding claims 2-3, 7-8, 11-12, and 15, Henson discloses the second menu contains the kinds of the interior specification and all the candidates for each kind; delivery information about an estimated delivery term for every candidate is displayed; and confirmation page; and the custom-made product is a personal computer (see at least Figures 3-6; Figures 9-10; col. 4, lines 53-56; col. 6, line 31-43; col. 7, lines 13-21; col. 7, lines 39-56; col. 7, line 57-col. 8, line 6; col. 8, line 56 – col. 9, line 25).

Regarding claims 4-5, 9, and 13, Henson substantially discloses the claimed invention, specifically the confirmation page and the custom-made product is a personal computer (see at least col. 4, lines 53-56; col. 5, lines 1-2; col. 7, lines 57-61; col. 7, line 66 – col. 8, line 6; col. 8, lines 34-50).

However, Henson does not disclose the appearance specifications. Henson discloses a customer with the ability to go to the product information for the particular product, customize the product, price-customized product, purchased the product and other actions (col. 4, lines 43-47). Furthermore, Henson discloses the view module which includes an all option configurator view (col. 9, lines 8-12). Smith, on the other hand, teaches the appearance specifications (see at least col. 9, lines 12-28; col. 9, lines 44-47; col. 9, lines 58-64; col. 10, lines 19-35; Figures 5-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and system of Henson, to include

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the appearance specification, as taught by Smith, in order for a customer to obtain a realistic display of the configuration (Smith col. 4, lines 18-20).

Regarding claim 10, Henson discloses a manufacture server has a database which stores information of a prospective custom-made product which includes a plurality of candidates for forthcoming selection by the customer, the database also previously storing interior applications information; the manufacturer server reads out from the database a plurality of kinds of candidates; and the manufacturer server reads out the interior specifications information from the database which information corresponding to the selected candidate of the appearance specifications, and transmit the read-out interior specifications information, which includes a plurality of candidates, to the customer for displaying as a second menu so that the customer can select. (See at least col. 4, lines 36-52; col. 5, lines 29-54; col. 6, lines 5-43; col. 7, lines 39-56; Figures 3-6)

However, Henson does not disclose the appearance specifications. Henson discloses a customer with the ability to go to the product information for the particular product, customize the product, price-customized product, purchased the product and other actions (col. 4, lines 43-47). Furthermore, Henson discloses the view module which includes an all option configurator view (col. 9, lines 8-12). Smith, on the other hand, teaches the appearance specifications (see at least col. 9, lines 12-28; col. 9, lines 44-47; col. 9, lines 58-64; col. 10, lines 19-35; Figures 5-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the server of Henson, to include the

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appearance specification, as taught by Smith, in order for a customer to obtain a realistic display of the configuration (Smith col. 4, lines 18-20).

Regarding claim 14, Henson discloses a customer terminal comprising a display section for displaying various kinds of information; the display section displays a first menu containing information of a prospective custom-made product for specifications which are to be reflected on the prospective custom-made product and have a plurality of candidates; and the display section displays a second menu containing interior specification information about the prospective custom-made product. (See at least col. 4, lines 53-66; col. 5, line 66 – col. 6, line 6; col. 6, lines 18-43; Figures 3-6)

However, Henson does not disclose the appearance specifications. Henson discloses a customer with the ability to go to the product information for the particular product, customize the product, price-customized product, purchased the product and other actions (col. 4, lines 43-47). Furthermore, Henson discloses the view module which includes an all option configurator view (col. 9, lines 8-12). Smith, on the other hand, teaches the appearance specifications (see at least col. 9, lines 12-28; col. 9, lines 44-47; col. 9, lines 58-64; col. 10, lines 19-35; Figures 5-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the server of Henson, to include the appearance specification, as taught by Smith, in order for a customer to obtain a realistic display of the configuration (Smith col. 4, lines 18-20).

Regarding claims 16-20, Henson substantially discloses the claimed invention. However, Henson does not disclose the appearance specifications. Henson discloses a

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customer with the ability to go to the product information for the particular product, customize the product, price-customized product, purchased the product and other actions (col. 4, lines 43-47). Furthermore, Henson discloses the view module which includes an all option configurator view (col. 9, lines 8-12). Smith, on the other hand, teaches the appearance specifications (see at least col. 9, lines 12-28; col. 9, lines 44-47; col. 9, lines 58-64; col. 10, lines 19-35; Figures 5-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Henson, to include the appearance specification, as taught by Smith, in order for a customer to obtain a realistic display of the configuration (Smith col. 4, lines 18-20).

Regarding claim 21, Henson discloses a method of allowing a customer to customize a custom-made product, the method comprising: receiving an initial menu from a manufacturer server and displaying the initial menu at a customer apparatus; allowing the customer to select a computer system from the initial menu; and in response to the selecting, receiving, from the manufacturer server, at the customer apparatus, a second menu where the second menu allows the customer to specify various computer parts from among candidate computer parts of different computer part categories, where there specified various computer parts are specified as computer parts for customizing a custom-made computer having a same body form type and a same display of the previously selected computer system, and where the candidate parts to be selected from among are a set of parts specific to the type of body of the custom-made computer, where different computer body form types have different sets



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fo candidate computer parts that are specific to such body form type (see at least summary; col. 4, lines 26-54; col. 5, lines 29-54; col. 6, lines 5-43; col. 7, lines 39-56; col. 5, line 66 – col. 6, line 6; Figures 3-6).

However, Henson does not disclose the images. Henson discloses a customer with the ability to go to the product information for the particular product, customize the product, price-customized product, purchased the product and other actions (col. 4, lines 43-47). Furthermore, Henson discloses the view module which includes an all option configurator view (col. 9, lines 8-12). Smith, on the other hand, teaches the images (see at least col. 9, lines 12-28; col. 9, lines 44-47; col. 9, lines 58-64; col. 10, lines 19-35; Figures 5-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Henson, to include the images, as taught by Smith, in order for a customer to obtain a realistic display of the configuration (Smith col. 4, lines 18-20).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,515,524 to Lynch et al. discloses a method and apparatus for configuring systems such that a system may be configured based on component or resource requests or input in the form of need.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot  
October 18, 2004

*Handwritten signature*  
Primary Examiner 10/18/04